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Attorneys for Jeffry G. Locke, Trustee

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SANTA ROSA DIVISION

In re Charles Timothy Bailey and Barbara Ann  
Bailey,

Debtors.

Case No.: 05-11371

Chapter 7

EX PARTE MOTION TO DEPOSIT  
FUNDS INTO COURT REGISTRY  
[No Hearing Date Set]

The motion of Jeffry G. Locke, the Trustee of the above-referenced estate (hereinafter  
“Movant”) for the (“Trustee”) hereby respectfully represents:

1. The Movant is the duly appointed, authorized and acting Trustee in the above-  
captioned Chapter 7 case.

2. Among the assets of the Debtor’s bankruptcy estate was an interest of one of the  
Debtors, Charles Timothy Bailey, in certain real property located in Lake County, California,  
commonly known as 19894 Black Bass Pass, Lower Lake, California (the “Lower Lake Property”).

3. At the time of the filing of the Petition, Charles Timothy Bailey, the Debtor herein,  
held an undivided sixty percent interest in the Lower Lake Property. The remaining forty percent in  
the Lower Lake Property was held by Betty Lou Bailey and Tracy Lynn Peterson, who each held an  
undivided twenty percent interest in the Lower Lake Property. The Debtor, Betty Lou Bailey and

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1 Tracy Lynn Peterson each held their respective interest as tenants-in-common.

2 4. On August 5, 2005, the Trustee initiated an adversary proceeding against Betty Lou  
3 Bailey and Tracy Lynn Peterson to obtain authority to sell the Lower Lake Property free and clear of  
4 their co-ownership interests pursuant to Bankruptcy Code §363(h) (Adversary Proceeding No. 05-  
5 1065).

6 5. On October 27, 2005, this Court authorized the Trustee to serve the Summons and  
7 Complaint upon Tracy Lynn Peterson by publication due to the fact that the Debtors did not know her  
8 whereabouts and the Trustee was otherwise unable to locate her. On March 27, 2006, the Bankruptcy  
9 Court entered a default judgment authorizing the Trustee to sell the Lower Lake Property free and  
10 clear of the co-ownership's interest of Tracy Lynn Peterson pursuant to the provisions of §363(h).

11 6. On May 8, 2014, this court entered its Order Authorizing the Sale of the Estate's  
12 Interest in Real Property regarding the Lower Lake Property. On May 20, 2014, the sale of the Lower  
13 Lake Property closed and the Trustee received total net proceeds of the sale in the sum of \$116,  
14 754.01. The Trustee has filed his Report of Sale with the Final Seller's Closing Statement attached  
15 thereto [Docket #29].

16 7. The Order authorizing sale of the real property authorized the Trustee pursuant to  
17 Bankruptcy Rule 7067 to deposit with the Registry of Court the net proceeds of the sale attributable to  
18 the interest of Tracy Lynn Peterson. Based on the net proceeds of sale, Tracy Lynn Peterson's twenty  
19 percent interest from the sale is \$23,350.80.

20 8. The Trustee requests an Order from this Court pursuant to Bankruptcy Rule 7067  
21 directing him to pay into the Court Registry the sum of \$23,350.80 for the benefit of Tracy Lynn  
22 Peterson.

23 WHEREFORE, the Trustee requests that an Order be entered directing him to deposit  
24 with the Registry of Court the net proceeds of sale attributable to the interest of Tracy Lynn Peterson  
25 in the sum of \$23,350.80 and such other orders as may be appropriate in the circumstances.

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1 DATED: May 22, 2014

Greene Radovsky Maloney Share & Hennigh LLP

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3 By: /s/ Edward J. Tredinnick  
4 Edward J. Tredinnick  
5 Attorneys for Jeffrey G. Locke, Trustee  
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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Greene Radovsky Maloney & Share LLP, Four Embarcadero Center, Suite 4000, San Francisco, California 94111. On May 22, 2014, I served the following document(s) by the method indicated below:

**EX PARTE MOTION TO DEPOSIT FUNDS INTO COURT REGISTRY**

- ☐ by transmitting via facsimile on this date from fax number (415) 777-4961 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct 2003(3).
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.

Office of the United States Trustee  
235 Pine Street, Suite 700  
San Francisco, CA 94104

1 I declare under penalty of perjury under the laws of the State of California that the  
2 above is true and correct. Executed on May 22, 2014, at San Francisco, California.

3  
4 /s/ Violet Rajkumar  
Violet Rajkumar